

ANDERSON KILL P.C.

Cort T. Malone, Esq.
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD JUNE 1, 2018 THROUGH JUNE 30, 2019**

Anderson Kill P.C., ordinary course insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), submits this fee statement for the period June 1, 2019 through June 30, 2019 (the “Fourth Fee Statement”)² pursuant to the Court’s *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (the “Orders”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through May 31, 2019.

Pursuant to the Orders and this Court's *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court*, dated December 18, 2018 [Docket No. 345], responses to the Third Fee Statement, if any, are due by July 29, 2019.

Dated: July 19, 2019

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.

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Counsel to the Debtors and
Debtors-in-Possession*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.¹

APPLICANT: Anderson Kill P.C.

CASE NO.: 18-27963 (MBK)

CLIENT: Chapter 11 Debtors

CHAPTER: 11

CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

**FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD JUNE 1, 2019 THROUGH JUNE 30, 2019**

**SECTION I
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	<u>\$244,718.50</u>	<u>\$379.53</u>
TOTAL FEES ALLOWED TO DATE	<u>\$244,718.50</u>	<u>\$379.53</u>
TOTAL RETAINER REMAINING	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY ANDERSON KILL ²	<u>\$244,718.50</u>	<u>\$379.53</u>
 FEE TOTALS - PAGE 2	 <u>\$22,351.50</u>	
DISBURSEMENTS TOTALS - PAGE 3	<u>\$ 406.20</u>	
TOTAL FEE APPLICATION	<u>\$22,757.70</u>	

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

Name of Professional	Year Admitted	Title/Department	Hours	Rate	Fee
William G. Passannante		Shareholder/Insurance	.40	895.00	358.00
Cort T. Malone	2003	Shareholder/Insurance	22.30	715.00	15944.50
Dennis J. Nolan	2007	Shareholder/Bankruptcy	.20	610.00	122.00
Raymond A. Mascia, Jr.	2010	Shareholder/Insurance	4.10	560.00	2296.00
Michael Yusko	N/A	Law Clerk/Insurance	8.60	165.00	1419.00
Shafkat Rakib	N/A	Law Clerk/Insurance	7.20	165.00	1188.00
James Goodridge	N/A	Law Clerk/Insurance	6.40	160.00	1024.00
Total Fees			49.20		\$22,351.50
Attorney Blended Rate				\$454.30	

SECTION II SUMMARY OF SERVICES

SERVICES RENDERED	HOURS	FEE
Opposition to Relief from Stay of Insurance Case	0	\$0
Drafting and Responding to Discovery	0	\$0
Drafting and Responding to Objections	0	\$0
Drafting and Editing Briefing and Submissions	2.10	\$1,501.50
Claims Evaluation and Related Motion Practice	0	\$0
Prepare, Attend and Argue at Court Hearings	3.20	\$2,267.00
Settlement Negotiations, Agreements and Mediation, including submissions	6.00	\$4,212.50
Insurance Case Work	37.90	\$14,370.50
Opposition to UST Appeal	0	\$0
SERVICE TOTALS	49.20	\$22,351.50

SECTION III
SUMMARY OF DISBURSEMENTS

	AMOUNT
Lexis Nexis Legal Research	\$159.95
Travel Charge – Car Service Late Night Work	\$196.25
Filing/court fees	\$50.00
TOTAL DISBURSEMENTS	\$406.20

SECTION IV CASE HISTORY

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill is one of the Debtor's several Ordinary Course Counsel retained pursuant to the Orders. The firm's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill prepared for court hearings, including necessary research and preparation for oral arguments;
- g) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing

and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and

h) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

(A) ADMINISTRATION EXPENSES: (100%)
(B) SECURED CREDITORS: (100%)
(C) PRIORITY CREDITORS: (100%)
(D) GENERAL UNSECURED CREDITORS: (100%)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: July 18, 2019

/s/ Cort T. Malone
Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from June 1, 2019 through June 30, 2019

Anderson Kill P.C.

1251 Avenue of the Americas, New York, New York 10020-1182
(212) 278-1000 EIN: 13-2743351
E-Mail: Accounting@andersonkill.com

Randy Hinden
(c/o Howard Gross - Weinberg, Gross &
Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
Bay Shore, NY 11706
rhinden@durodyne.com

DATE: July 17, 2019
MATTER: 102620.DDC02
INVOICE: 292235

MATTER: INSURANCE

Cort T Malone

INVOICE SUMMARY

Professional Services:	22,351.50
Costs:	406.20
Total Current Invoice:	\$22,757.70
TOTAL AMOUNT DUE:	<u>\$22,757.70</u>

Anderson Kill P.C.

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Page 2

DURO DYNE CORP. MATTER: 102620.DDC02

July 17, 2019 INVOICE: 292235

MATTER: INSURANCE

PROFESSIONAL SERVICES through 06/30/19

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
06/03/19	Detailed prep work and research re insurance case oral argument scheduled for Thursday. Meet and assign research and argument prep tasks to RM/JG/SR/MY. Follow up work re same. Call and email with court re request for adjournment. Emails exchanged with KQ re edits to follow up letter to mediator, Tim Gallagher.	CTM	4.80
06/03/19	Briefing on research issues with Cort and two other summers	JXG	1.20
06/03/19	Researched and cataloged all high court NY cases discussing duty to defend vis a vis duty to indemnify; compiled results in memo	JXG	5.20
06/03/19	Initial research and briefing on case	MY	4.10
06/03/19	Meeting with C. Malone to discuss research project/background of matter.	SR	0.80
06/03/19	Research Judge Berland cases regarding insurance.	SR	5.30
06/03/19	Attention to e-filing.	WGP	0.40
06/04/19	Emails exchanged clients and counsel re adjournment request and court request for call tomorrow re same. Continued prep work for oral argument, including follow up with JG/SR/MY re various research projects. Worked with RM re finalizing and sending letter to Tm Gallagher.	CTM	3.70
06/04/19	Initial briefing & research	MY	4.50
06/04/19	Prepared for oral argument on pending motions (2.50). Attention to production of documents in connection with mediation (0.50).	RAM	3.00
06/04/19	Research Judge Berland cases on insurance law.	SR	1.10
06/05/19	Prep and detailed call with court and all counsel re adjournment of insurance case argument. Report to clients and co-counsel re same, and follow up with JP/TF re next steps and settlement.	CTM	1.60
06/05/19	Prepared for and participated in conference call with Court to discuss request for adjournment of oral argument on pending motions.	RAM	1.00

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Page 3

DURO DYNE CORP. MATTER: 102620.DDC02

July 17, 2019 INVOICE: 292235

MATTER: INSURANCE

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
06/06/19	Worked with DN re bankruptcy court call tomorrow, prep for same.	CTM	0.90
06/06/19	Communications with Cort Malone re: hearing regarding status of amendments in light of court's prior ruling.	DJN	0.20
06/07/19	Call with bankruptcy court and follow up with JP/TF re same.	CTM	1.10
06/10/19	Worked with RM re rescheduled insurance case argument, impact on bankruptcy proceedings. Preparing files for revisited argument in September. Follow up with DN re same, bankruptcy issues.	CTM	3.00
06/17/19	Worked with RM re follow up on rescheduled oral argument in insurance case and prep for same.	CTM	0.80
06/17/19	Attention to scheduling of oral argument on summary judgment motions in coverage action.	RAM	0.10
06/18/19	Follow up with MS re insurance and bankruptcy issues. Follow up with KQ/JP re North River settlement issues.	CTM	0.80
06/19/19	Detailed work on bankruptcy filing re fees and costs. Emails exchanged LS re same.	CTM	1.80
06/20/19	Emails exchanged re recent filing. Follow up with KQ/JP re call.	CTM	0.30
06/21/19	Follow up with mediator re talks with NR. Prep and call with JP/KQ re various settlement and insurance case issues, bankruptcy status and impact on same. Follow up re same.	CTM	1.80
06/24/19	Follow up with mediator.	CTM	0.30
06/25/19	Emails exchanged Gallagher. Emails exchanged Munich Re counsel re bankruptcy status.	CTM	0.20
06/27/19	Follow up with JP re mediator efforts. Emails exchanged Gallagher and counsel re same.	CTM	0.30
06/28/19	Call with mediator. Emails exchanged with clients re mediator call, steps forward. Emails exchanged counsel re same.	CTM	0.90

TOTAL FEES: **22,351.50**

FEE SUMMARY

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Page 4

DURO DYNE CORP. MATTER: 102620.DDC02

July 17, 2019 INVOICE: 292235

MATTER: INSURANCE

	RATE	HOURS	TOTALS
Cort T Malone	715.00	22.30	15,944.50
Dennis J. Nolan	610.00	0.20	122.00
James Goodridge	160.00	6.40	1,024.00
Michael Yusko	165.00	8.60	1,419.00
Raymond A Mascia, Jr.	560.00	4.10	2,296.00
Shafkat Rakib	165.00	7.20	1,188.00
William G Passannante	895.00	0.40	358.00
TOTAL FEES:			22,351.50

COSTS through 06/30/19

DATE	DESCRIPTION OF COSTS	AMOUNT
05/10/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge May 1 through May 31, 2019	0.14
05/10/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge May 1 through May 31, 2019	1.73
06/03/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	37.21
06/03/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	5.07
06/03/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	6.24
06/03/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	0.24
06/04/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	9.31
06/04/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	65.12
06/04/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	10.63
06/04/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	6.24

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Page 5

DURO DYNE CORP. MATTER: 102620.DDC02

July 17, 2019 INVOICE: 292235

MATTER: INSURANCE

DATE	DESCRIPTION OF COSTS	AMOUNT
06/04/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	11.78
06/04/19	LIBRARY & LEGAL RESEARCH LEXIS NEXIS LexisNexis Usage charge June 1 through June 30, 2019	6.24
06/11/19	FILING OR WITNESS FEES - - VENDOR: DONALD FLYNN COURT CONFERENCE	50.00
06/18/19	LOCAL TRAVEL - - VENDOR: US TOWN CAR, INC. CAR SERVICE 05/17/19	196.25
TOTAL COSTS:		406.20

COSTS SUMMARY

DESCRIPTION	AMOUNT
FILING OR WITNESS FEES	50.00
LOCAL TRAVEL	196.25
LIBRARY & LEGAL RESEARCH LEXIS NEXIS	159.95
TOTAL COSTS:	406.20

TOTAL DUE: \$22,757.70

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DURO DYNE CORP.

MATTER: 102620.DDC02

July 17, 2019

INVOICE: 292235

MATTER: INSURANCE

REMITTANCE COPY

Professional Services:	22,351.50
Costs:	406.20
Total Current Invoice:	<u>\$22,757.70</u>
TOTAL AMOUNT DUE:	<u>\$22,757.70</u>

PLEASE SEND YOUR REMITTANCE TO US AT:

Anderson Kill P.C.
1251 Avenue of the Americas,
New York, New York, 10020-1182

OR, IF MORE CONVENIENT, YOU MAY WIRE THE FUNDS TO:

BANK: WELLS FARGO BANK, N.A.
ABA NUMBER: 121000248
CREDIT TO: ANDERSON KILL P.C.
OPERATING ACCOUNT
ACCOUNT NUMBER: 2000037634722
INTERNATIONAL SWIFT CODE: WFBIUS6S

KINDLY INDICATE:

CLIENT NUMBER: 102620
INVOICE NUMBER: 292235
YOUR FIRM NAME: DURO DYNE CORP.

THIS INVOICE IS PAYABLE UPON RECEIPT.

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE.